

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK  
CENTRAL ISLIP DIVISION**

<b>CARDCONNECT, LLC,</b>	§	
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	
	§	<b>CASE NO. 2:20-cv-01526</b>
<b>LAW OFFICE OF FRANCISCO J.</b>	§	
<b>RODRIGUEZ and FRANCISCO J.</b>	§	
<b>RODRIGUEZ,</b>	§	
<b>Defendant.</b>	§	
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<b>LAW OFFICE OF FRANCISCO J.</b>	§	
<b>RODRIGUEZ and FRANCISCO J.</b>	§	
<b>RODRIGUEZ</b>	§	
<b>Defendant/Third-Party Plaintiff</b>	§	
	§	
<b>v.</b>	§	
	§	
<b>ANTONIO JUAREZ HERNANDEZ,</b>	§	
<b>NEREYDA VEGA, ROYAL LIBERTY</b>	§	
<b>OIL LEASING, LLC, AND ROYAL</b>	§	
<b>INTERNATIONAL INVESTMENT</b>	§	
<b>GROUP, LLC</b>	§	
<b>Third-Party Defendants</b>	§	

**DEFENDANTS/THIRD-PARTY PLAINTIFFS' REQUEST FOR ENTRY OF DEFAULT**

TO THE HONORABLE UNITED STATES COURT CLERK:

COMES NOW LAW OFFICE OF FRANCISCO J. RODRIGUEZ and FRANCISCO J. RODRIGUEZ ("FJR"), Defendants/Third-Party Plaintiffs, and files this Request for Entry of Default, asking the Court Clerk to issue a certificate of default against Defendants Nereyda Vega, Royal Liberty Oil Leasing, LLC, and Royal International Investment Group, LLC, as authorized by Federal Rule of Civil Procedure 55 and Eastern District of New York Local Civil Rule 55.1.

## **INTRODUCTION**

1. On March 24, 2020, Plaintiff CardConnect, LLC filed a complaint against Defendants Law Office of Francisco J. Rodriguez and Francisco J. Rodriguez (collectively “FJR”). FJR answered the suit on June 18, 2020.

2. On July 6, 2020, FJR filed a Third-Party Complaint against Third-Party Defendants Antonio Juarez Hernandez, Nereyda Vega, Royal Liberty Oil Leasing, LLC, and Royal International Investment Group, LLC.

3. FJR accomplished service on Nereyda Vega and Royal Liberty Oil Leasing, LLC on October 9, 2020. FJR accomplished service on Royal International Investment Group, LLC on October 23, 2020.

4. FJR filed the proof of service for Nereyda Vega and Royal Liberty Oil Leasing, LLC on October 16, 2020. (Doc. 21, Doc. 22). FJR filed the proof of service for Royal International Investment Group, LLC on November 16, 2020. (Doc. 27). FJR filed a corrected proof of service for Royal International Investment Group, LLC on December 9, 2020. (Doc. 33).

5. The deadline to answer for Nereyda Vega and Royal Liberty Oil Leasing, LLC was October 30, 2020. The deadline to answer for Royal International Investment Group, LLC was November 13, 2020. Neither of these Third-Party Defendants has filed an answer, nor have they requested an extension of time to respond. FJR is entitled to entry of default.

## **ARGUMENT**

6. The Court Clerk may enter a default against a party who has not filed a responsive pleading or otherwise defended the suit. Fed. R. Civ. P. 55(a); *City of N.Y. v. Mickalis Pawn Shop, LLC*, 645 F.3d 114, 129-30 (2d Cir. 2011).

7. The Court Clerk should enter a default against Third-Party Defendants Nereyda Vega, Royal Liberty Oil Leasing, LLC, and Royal International Investment Group, LLC because these Third-Party Defendants did not file a responsive pleading within 21 days after they were served. Fed. R. Civ. P. 12(a)(1)(A)(i).

8. FJR meets the procedural requirements for obtaining an entry of default from the clerk as demonstrated by FJR's sworn affidavit, attached as Exhibit 1.

9. Neither Third-Party Defendants Nereyda Vega, Royal Liberty Oil Leasing, LLC, nor Royal International Investment Group, LLC are minors or incompetent persons.

10. Neither Third-Party Defendants Nereyda Vega, Royal Liberty Oil Leasing, LLC nor Royal International Investment Group, LLC are in military service. An affidavit of Third-Party Defendants' military status is attached as Exhibit 1.

## **PRAYER**

31. For the above reasons, FJR asks that the Court Clerk issue a certificate of default in favor of FJR against Third-Party Defendants Nereyda Vega, Royal Liberty Oil Leasing, LLC, and Royal International Investment Group, LLC.

Respectfully Submitted,

By: /s/ Francisco J. Rodriguez

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served to the following counsel of record on this 9th day of December, 2020, to wit:

VIA E-MAIL: john.peterson@polsinelli.com

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/s/ Francisco J. Rodriguez

FRANCISCO J. RODRIGUEZ